GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes, Forest and Transport Departments – Surprise Check conducted over the Integrated Check Post, Naraharipeta, Chittoor District in the intervening night of 26/27-07-2014 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri Md.Ismail Khan, Assistant Motor Vehicle Inspector, Transport Department - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.1241 Date : 03-12-2015

Read :

G.O.Ms.No.458, Revenue (Vigilance - II) Department, dated:03-12-2015.

&

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, in the reference read above it is considered necessary to hold an enquiry against Sri Md.Ismail Khan, Assistant Motor Vehicle Inspector, Transport Department, (Suspected Officer-5) Integrated Check Post, Naraharipeta, Chittoor District Under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of witnesses by whom and the list of documents by which the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri Md.Ismail Khan, Assistant Motor Vehicle Inspector, Transport Department, (Suspected Officer-5), Integrated Check Post, Naraharipeta, Chittoor District is directed to submit within ten days of the receipt of this Order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Md.Ismail Khan, Assistant Motor Vehicle Inspector, Transport Department, (Suspected Officer-5), Integrated Check Post, Naraharipeta, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Md.Ismail Khan, Assistant Motor Vehicle Inspector, Transport Department, (Suspected Officer-5) Integrated Check Post, Naraharipeta, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him

(p.t.o)

for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Md.Ismail Khan, Assistant Motor Vehicle Inspector, Transport Department, Integrated Check Post, Naraharipeta, Chittoor Dist. (Enclosures Annexures I to IV)
through the Transport, Roads & Buildings (Vigilance) Department, Andhra Pradesh, Secretariat, Hyderabad.
(with a request to serve the order on the individual and send the served copy with dated signature to Government)
Copy to
1.The Transport, Roads & Buildings (Vigilance) Department, Andhra Pradesh, Secretariat, Hyderabad.
2.The Commissioner, Transport Department, Andhra Pradesh, Hyderabad.
3.The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.
4.The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad.
SF / SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE -I

ARTICLES OF CHARGES FRAMED AGAINST SRI MD.ISMAIL KHAN S/O LATE MD. MUSTHAFHA ALI KHAN, AGE 41 YRS,ASST. MOTOR VEHICLE INSPECTOR, INTEGRATED CHECK POST ,NARAHARIPETA, CHITTOOR DISTRICT.

That Sri Md.Ismail Khan, S/o.Late Md.Musthafha Ali Khan, having joined Government service as Assistant Motor Vehicle Inspector on 29-02-2012 in Transport Department. He worked in the above capacities at various places in Chittoor District. He worked as Assistant Motor Vehicle Inspector, Integrated Check Post, Naraharipeta Chittoor Disrict from 28-05-2012 to 27-07-2014. While he was working as Assistant. Motor Vehicle Inspector, Integrated Check Post, Naraharipeta, Chittoor District, from 28-05-2012 to 27-07-2014, he has committed grave misconduct in as much as he colluded with the connivance of his staff is in the habit of collecting bribe amounts from the truck / lorry operators passing through the check post and the same is evident by voluntary offerings obtained in the counter of Transport department during the time of surprise check. An amount of Rs.14,110/- from 00:10 to 07:30 hours which was collected as bribe received through voluntarily offerings or otherwise and violated the guidelines contained in Government U.O.Note No.1224/SC.D/91-1, General Administration (SC.D) Department dated 08-10-1991 and also Memo No.101/Spl.B/2000, General Administration (Spl.B) Department dated: 17-04-2001 and thereby contravened Rule 3 (1) and (2), of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, Sri Md.Ismial Khan by his above mentioned acts has exhibited lack of supervision, lack of integrity, devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI MD.ISMAIL KHAN S/O LATE MP. MUSTHAFHA ALI KHAN, AGE 41 YRS,ASST. MOTOR VEHICLE INSPECTOR, INTEGRATED CHECK POST ,NARAHARIPETA, CHITTOOR DISTRICT.

Sri Md.Ismail Khan, S/o.Late Md.Musthafha Ali Khan, is a native of Kadiri Town, Ananatapur District. His date of birth is 01-06-1973. He entered into Government service as Assistant Motor Vehicle Inspector on 29-02-2012 in Transport Department. He worked in the above capacities at various places in Chittoor District. He worked as Assistant Motor Vehicle Inspector, Integrated Check Post, Naraharipeta, Chittoor District from 28-05-2012 to 27-07-2014. While he was working as Assistant Motor Vehicle Inspector, Integrated Check Post, Naraharipeta, Chittoor District from 28-05-2012 to 27-07-2014. He was drawing a basic pay of Rs.11,860/- in Scale of Pay Rs.10,900/- to Rs.31,550/- as on 27-07-2014. His superannuation is on 31-10-2017. He is here-in-after referred to as Government Servant.

CHARGE:

That the Government Servant, Sri Md.Ismail Khan, S/o.Late Md.Musthafha Ali Khan while he was working as Assistant Motor Vehicle Inspector, Integrated Check Post, Naraharipeta, Chittoor District from 28-05-2012 to 27-07-2014, he has committed grave misconduct in as much as he colluded with the connivance of his staff is in the habit of collecting bribe amounts from the truck / lorry operators passing through the check post and the same is evident by voluntary offerings obtained in the counter of Transport department during the time of surprise check. An amount of Rs.14,110/- from 00:10 to 07:30 hours which was collected as bribe received through voluntarily offerings or otherwise and violated the guidelines contained in Government U.O Note No.1224/SC.D/91-1, General Administration (SC.D) Department, dated 08-10-1991 and also Memo No.101/Spl.B/2000-4, General Administration (Spl.B) Department, dated 17-04-2001 and thereby contravened Rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

FACTS & EVIDENCE:

On 27-07-2014 from 00-10 AM to 07-30 AM Surprise Check was conducted by a Team of officials of Anti Corruption Bureau, Tirupati at the integrated Checkpost, Naraharipeta.

The DSP, Anti Corruption Bureau searched the rooms in the presence of mediators. On searching the Assistant Commercial Tax Officer's rest room, an unaccounted cash of Rs.19,190/- was found scattered on the floor beside the Cot in the south-west corner.

The DSP, Anti Corruption Bureau seized the above un-accounted amount of Rs.19,190/- for further proceedings. When the DSP, Anti Corruption Bureau questioned about the recovery of the huge unaccounted cash from the office premises, the both Assistant Commercial Tax Officer’s kept silent.

Then the DSP, Anti Corruption Bureau verified the following registers.

Contd., 2

1) DUTY REGISTER/ATTENDANCE REGISTERS: It is being maintained for Commercial Tax, Transport and Forest departments from 16-05-2014 to till date. As per the register 09 Employees belonging to Commercial Tax Department, 2 employees belonging to Transport Department and the details of Forest Department employees are not available in this shift from 8 PM on 26-07-2014 to 8 AM on 27-07-2014. On verification it is found that A.Gopal, Assistant Commercial Tax Officer, V.Purushotham Naidu, Junior Assistant and S.Khaja Peer, Office Subordinate are on Casual Leave. The casual leave letters of the above three persons are found in the register, but neither the shift in-charge Assistant Commercial Tax Officer, Sri D.Hari Krishna nor Sri K.Anandan, Assistant Commercial Tax Officer who received the Casual Leave application of A.Gopal did not inform to the sanctioning authority, i.e. Deputy Commercial Tax Officer Sri I.V.Ranga Rao about the Casual Leave applications. The remaining two persons i.e. V.Purushotham Naidu and S.Khaja Peer submitted their Casual Leave applications on 25-07-2014, but they both did not receive applications during the shift period. Further the both Assistant Commercial Tax Officers stated that the above two persons might have put in their applications in the attendance register without their notice. On this the DSP, Anti Corruption Bureau questioned the above Assistant Commercial Tax Officers about the entry of Casual Leave in the attendance register against the name of A.Gopal. Both the Assistant Commercial Tax Officers stated that Sri A.Gopal being the senior Assistant Commercial Tax Officer might have put Casual Leave entry against his name without their notice. The DSP further questioned about the blank spaces left in the attendance register the name of remaining two persons, who submitted Casual Leave applications, both Assistant Commercial Tax Officers stated that entries should have been made as to whether Casual Leave sanctioned or absent marked, but they did not do the same. On further questioning by the DSP as to why they did not do so, the above two Assistant Commercial Tax Officers kept silent.

With regard to the Transport department, both the Assistant Motor Vehicle Inspector and Transport Constable have attended and signed.

The DSP, ACB verified the records of RTA check post by taking a printout of the days transaction and found that Rs.83,680/- was collected towards compounding fee, tax etc., from 8 AM on 26/07/2014. The same was tallied with the General cash register being maintained from 31.10.2013. The cash was handed over to the MVI, ICP, Naraharipeta under due acknowledgement.

During the proceedings the vehicle drivers / cleaners passing through the check post voluntarily approached the check post and offered cash ranging from Rs. 50 to Rs. 500/- to Anti Corruption Bureau officials sitting at the counters presuming them to be staff of the check post.

During the proceedings an amount of Rs.14,110/- was received at Transport Department counter as voluntarily offerings from the drivers of the vehicles passing through the check post during the period from 00:10 AM to 7 AM on 27.07.2014.

Contd., 3

During the proceedings the following drivers were examined 1) Gottimukkala Nagendra Naga Parasad S/o.G.Simhachalam, age 32 years, Lorry Driver, Hanuman Junction, Krisna District, Cell: 90103 58358, 2) Narasimhulu Chandra Babu, S/o.Mallaiah, age 40 years, lorry driver, Gaddur village, Kuramai Post, Palamaner Mandal, cell: 90525 93463, 3) Thathala Nagaraja Reddy, S/o.T. Venkat Reddy, age 47 years, Supervisor lorry bearing No.AP03 TA8487, Raghavareddypalli village, Gangadhara, Nellore Mandal, Chittoor District, Cell: 93978 47922, 4) Mukkandla Suresh, S/o.M.Akkulappa, age 25 years, Eicher Vehicle Cleaner, Marlapalli Village, Thanekallu Mandal, Ananthapur District, Cell: 90000 59806 5) D.Narasimha Raju, S/o.D.Suryanarayana Raju, age 58 years, High School Road, Ballaiah Chowdaiy Street, Vijayawada, Cell: 97002 42444, 6) M.Malleswara Rao, S/o.Simhachalam, age 32 years, Hanuman Junction, Hanuman Nagar, Krishna District, Cell: 90103 5358, 7) G.Sudhakar, S/o. Govindaraj, age 28 years, Lorry Driver, Cehhlapalli Village, Gudipala Mandal, Cell: 72991 82413, 8) C.Umapathi, S/o.Chinnappa Mudhaliyar, age 48 years. Lorry Driver, D.No. 6, Saivankoil Street, Chittoor, Cell: 98944 68412, 9) K. Venkata Ramana, S/o.K.Subbaiah, age 40 years, Reddyvaripalli, Galiveedu Mandal, Kadapa District, Cell: 93823 92466, 10) M.Vijaya Kumar, S/o.M. Gopalam, age 42 years, Singh Nagar, Vijayawada, Cell: 92479 39999. All the above persons stated that they regularly used to pay bribe amounts ranging from Rs.50/- to Rs.500/- on the demand of concerned officials. They further revealed that if they don't pay the bribe, the concerned officials unnecessarily stop their vehicles and harassed them even though they possess valid documents.

During the surprise check total amount of Rs.14,110/- unaccounted amount was collected as bribe was seized. Formalities of searches were duly followed and no damages were caused to any of the articles of the Integrated Check Post, Naraharipeta, Chittoor District. When the DSP, Anti Corruption Bureau questioned about the recovery of the huge voluntary offering Transport Department counter, Assistant Motor Vehicle Inspector kept silent.

The facts and material gathered so revealed that the Government Servant Sri Md.Ismail Khan, AMVI has committed the grave misconduct.

Thus, the Government Servant, Sri Md.Ismail Khan by his above mentioned act has exhibited lack of supervision, lack of integrity, devotion to duty and conduct, unbecoming of Government Servant and thereby violated Rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular Departmental Action, for Major penalty.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE - III

LIST OF WITNESSES :-

1.Sri Kasi Janardhan Reddy, S/o K.Narasimha Reddy, age 38 years. Head Master, PNC Municipal Corporation High School, Santhapeta, Chittoor Town, R/o D.No.1-578/llA, Reddy & Reddy Colony, Kattamanci, Chittoor Town, Cell: 94917 82179.

2.Sri Edadala Krishnaiah, S/o.E.Gurrappa, age 58 years, Head Master, Municipal Corporation High School, Gandlapalli, Kongareddypalli, Chittoor, R/o.2/475-9A, Sri Bapuji Nagar, Kongareddypalli, Chittoor Town, Cell: 94402 71015.

3.Sri Duddukuru Kumar, S/o.D.Baktavatsalu, age 39 years. Sr.Asst., O/o.DEO, Chittoor, R/o.New Balaji Colony, Chittoor, Cell: 94401 60108.

4.Varadarajulu Ganesh Ramana, S/o.Late V.Ganeshan, age 50 years, Sr. Asst., O/o.DEO, Chittoor, R/o.D.No.14/103, Kayanikattu Street, Chittoor, Cell: 94415 95698.

5.Sri R.Vijay Paul, DSP., ACB, Vijayawada.

6.Sri P.S.V.Rama Kishore, Inspector of Police, Anti-Corruption Bureau, Tirupati Range, Tirupati. (Investigating Officer)

7.Sri S.Venkaiah, Dy.Commissioner (CT), (FAC), Chittoor Division, Chittoor.

8. Sri M.Basi Reddy, Dy.Transport Commissioner, Chittoor.

9.Sri K.Giribabu, Secretary Grade-III, Agricultural Market Committee, Vepenjeri, Head quarters, Penumur, Chittoor District.

10.Sri Gottimukkala Nagendra Naga Parasad, S/o.G.Simhachalam, age 32 years, Lorry Driver, Hanuman Junction, Krisna District, Cell: 90103 58358.

11.Narasimhulu Chandra Babu, S/o.Mallaiah, age 40 years, lorry driver, Gaddur Village, Kuramai Post, Palamaner Mandal, cell: 90525 93463.

12.Thathala Nagaraja Reddy, S/o.T.Venkat Reddy, age 47 years, Supervisor, lorry bearing No.AP03 TA8487, Raghavareddypalli village, Gangadhara Nellore Mandal, Chittoor District, Cell: 93978 47922.

13. Mukkandla Suresh, S/o.M.Akkulappa, age 25 years, Eicher Vehicle Cleaner, Marlapalli Village, Thanekallu Mandal, Ananthapur District, Cell: 90000 59806.

14.D.Narasimha Raju, S/o.D.Suryanarayana Raju, age 58 years, High School Road, Ballaiah Chowdary Street, Vijayawada, Cell: 97002 42444 .

15.M.Malleswara Rao, S/o.Simhachalam, age 32 years, Hanuman Junction, Hanuman Nagar, Krishna District, Cell: 90103 5358.

16.G.Sudhakar, S/o.Govindaraj, age 28 years, Lorry Driver, Cehhlapalli Village, Gudipala Mandal, Cell: 72991 82413.

17.C.Umapathi, S/o.Chinnappa Mudihaliyar, age 48 years, Lorry Driver, D.No.6, Saivankoil Street, Chittoor, Cell: 98944 68412.

18.K.Venkata Ramana, S/o.K.Subbaiah, age 40 years, Reddyvaripalli, Galiveedu Mandal, Kadapa District, Cell: 93823 92466.

19.M. Vijaya Kumar, S/o.M.Gopalam, age 42 years, Singh Nagar, Vijayawada, Cell: 92479 39999.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

A N N E X U R E - IV

List of Records / Documents :

1) Original Surprise Check proceedings drafted on 27-07-2014 from 00-10 AM to 07-30 AM at the Integrated Check Post, Naraharipeta, Chittoor District.

2) Duty Register / Attendance Register of Integrated Check Post, Naraharipeta, Chittoor District.

3) Personal Cash declaration Register of Integrated Check Post, Naraharipeta, Chittoor District.

4) User Charges Register of Commercial Department of Integrated Check post, Chittoor District.

5) Government Cash Register of Agriculture Marketing Committee of Integrated Check Post, Narharipet Chittoor District.

6) Visiting Officers Registers of Commercial Tax of Integrated Check Post, Naraharipeta, Chittoor District.

7) Visiting Officers Register of Transport Department of Integrated check Post, Naraharipeta, Chittoor District.

8) Reply letter in Rc.No.Bl/164/2014, dated 11-08-2014 of Dy.Commissioner (CT), FAC, Chittoor Division, Chittoor.

9) Reply letter in Rc.No.90/2014, dated 12-08-2014 of A.M.C, Penumur.

10) Reply letter No.4129/A1/2014, dated 07-08-2014 of Dy.Transport Commissioner, Chittooor.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER